

RICHES, MCKENZIE & HERBERT LLP

BARRISTERS & SOLICITORS *

PATENT & TRADE MARK AGENTS

PAUL HERBERT, B.SC., PHM., LL.B.*

BRANT LATHAM, B.A.SC. (CHEM.ENG.), LL.B., P.ENG.*

DAN HITCHCOCK, B.ENG., LL.B., P.ENG.*

GARY M. TRAVIS, B.SC. (GEOL.), LL.B.*

JEFF PERVANAS, B.A.SC. (ENG.SCI.), LL.B.*

JASON LEUNG, B.SC. (GENETICS), J.D.*

CHRISTOPHER B. WATSON, B.A.SC. (CIVIL ENG.), LL.B.*

MICHAEL ADAMS, B.ENG., B.SC., LL.B.*

A. LEONARD GROVE

MARTA TANDORI CHENG

SUITE 1800

2 BLOOR STREET EAST

TORONTO, CANADA

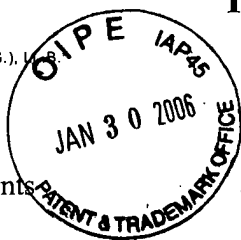
M4W 3J5

TELEPHONE (416) 961-5000

FAX (416) 961-5081

E-MAIL riches@patents-toronto.com

CONTINUING THE PRACTICE OF
GEORGE H. RICHES AND ASSOCIATES
ESTABLISHED 1887



January 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Attn: Examiner BERHANE, Adolf D.
Examination Group Art Unit 2838

Re: Applicant: DASGUPTA, Sankar; JACOBS; James K. and BHOLA, Rakesh
Owner: ELECTROVAYA INC.
Patent Application in U.S.A.

Serial No. : 10/661813 Filing Date: September 15, 2003

Our Case : P63902

Title : Energy Storage Device for Loads Having
Variable Power Rates

OFFICE ACTION MAILED SEPTEMBER 28, 2005

DUE DATE : DECEMBER 28, 2005

ONE MONTH EXTENSION OF TIME TO JANUARY 28, 2006

Dear Sirs:

Submitted herewith is a response to the Office Action mailed September 28, 2005.

PROVISIONAL REQUEST FOR EXTENSION OF TIME

It is hereby petitioned that, under 37 CFR 1.136, the response term in this application be extended, if necessary, to a date which includes the filing date of the present amendment.

A cheque in the amount of \$60.00 is enclosed for payment of the extension fee for one-month for a small entity.

The Commissioner is hereby authorized to charge any additional necessary extension fees to Deposit Account No. 18-1350 under an order number corresponding to our file Case No. P63902.

Respectfully submitted,

RICHES, MCKENZIE & HERBERT LLP

By: 

Jeff Pervanas

Reg. No. 41,543

JP/cbo

Encls.

Ret. Ack. Card

Response

Fee of \$60.00 (Cheque Enclosed)

01/31/2006 HAL111 00000068 10661813

01 FC:2251

60.00 0P